

**Disadvantaged Business Enterprise (DBE) Requirements**  
for  
State Revolving Fund Loans Awarded after May 27, 2008

**GUIDANCE DOCUMENT**

**Items included in the Guidance Document:**

- **General Contract Administration Provisions Table**
- **Six Good Faith Efforts, Purpose and Definitions Table**
- **List of DBE Forms for Loans Awarded After May 27, 2008**

<b>GENERAL CONTRACT ADMINISTRATION PROVISIONS—www.epa.gov</b>			
<b>Requirement</b>	<b>Circumstance</b>	<b>Responsible Party:</b>	<b>Submitted To:</b>
A <b>Loan Recipient</b> must be notified in writing by its <b>Prime Contractor</b> prior to any termination of a <b>DBE Subcontractor</b> for convenience by the <b>Prime Contractor</b> .	Termination of a <b>DBE Subcontractor</b> for convenience by the <b>Prime Contractor</b>	<b>Prime Contractor</b>	<b>Loan Recipient</b>
A <b>Loan Recipient</b> must require its <b>Prime Contractor</b> to pay its <b>Subcontractor</b> for satisfactory performance no more than 30 days from the <b>Prime Contractor's</b> receipt of payment from the <b>Loan Recipient</b> .	<b>DBE Subcontractor's</b> satisfactory performance	<b>Loan Recipient</b> <b>Prime Contractor</b>	<b>DBE Subcontractor</b>
If a <b>DBE Subcontractor</b> fails to complete work under the subcontract for any reason, the <b>Loan Recipient</b> must require the <b>Prime Contractor</b> to employ the <b>Six Good Faith Efforts</b> (see Table below) if soliciting a replacement <b>Subcontractor</b> .	<b>DBE Subcontractor</b> fails to complete work under the subcontract for any reason and will be replaced	<b>Loan Recipient</b> <b>Prime Contractor</b>	<b>SRF Loan Program</b>
A <b>Loan Recipient</b> must require its <b>Prime Contractor</b> to employ the <b>Six Good Faith Efforts</b> (see Table below) even if the <b>Prime Contractor</b> has achieved its fair share objectives.	Employment of the <b>Six Good Faith Efforts</b>	<b>Loan Recipient</b> <b>Prime Contractor</b>	<b>SRF Loan Program</b>
Inclusion, completion, and/or transmittal of required <b>DBE Forms</b> as instructed below: <b>Loan Recipient Requirements</b> <b>Bidder Requirements</b> <b>DBE Participation/Certification Summary</b> <b>Advertisement for Bids and Publisher's Affidavit</b> 10 Certified Letters and Return Receipts to certified <b>DBEs</b> <b>Good Faith Letter</b> <b>Prime Contractor's Notice Letter</b> for EPA Form 6100-2 <b>EPA Form 6100-2</b> <b>EPA Form 6100-3</b> <b>EPA Form 6100-4</b>	---	<b>Loan Recipient</b> <b>Prime Contractor</b> <b>DBE Subcontractor</b>	See instructions below and on Forms

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<b>SIX GOOD FAITH EFFORTS—<a href="http://www.epa.gov">www.epa.gov</a></b>	
<b>PURPOSE</b>	The Good Faith Efforts are required methods employed by all EPA financial assistance agreement recipients to ensure that all disadvantaged business enterprises (DBEs) have the opportunity to compete for procurements funded by EPA financial assistance dollars.
<b>Definitions</b>	
<b>EFFORT 1</b>	Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
<b>EFFORT 2</b>	Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
<b>EFFORT 3</b>	Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
<b>EFFORT 4</b>	Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
<b>EFFORT 5</b>	Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.
<b>EFFORT 6</b>	If the <b>Prime Contractor</b> awards subcontracts, require the <b>Prime Contractor</b> to take the steps in the Good Faith Efforts 1 through 5 (above) and in the <u>General Contract Administration Provisions</u> (above).

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<b>DBE FORMS FOR SRF LOANS AWARDED AFTER MAY 27, 2008—www.epa.gov</b>				
<b>Form</b>	<b>Requirement</b>	<b>Provided By:</b>	<b>Completed By:</b>	<b>Submitted To:</b>
List of certified <b>DBE</b> contractors, subcontractors, supplies vendors, equipment vendors, and service providers	Keep list with project files/information for duration of project	<b>SRF Loan Program</b>	---	---
<b>Loan Recipient's Requirements</b> regarding DBEs	Include this information sheet in the Information for Bidders section of bid documents	<b>SRF Loan Program</b>	---	To be included in the contract specifications book
<b>Bidder's Requirements</b> regarding DBEs	Include this information sheet in the Information for Bidders section of bid documents	<b>SRF Loan Program</b>	---	To be included in the contract specifications book
<b>Loan Recipient's Certification and Summary of DBE Participation</b>	To be completed and submitted with the Authority-to-Award/ Bid Package.  The SRF Loan Program must be notified of any changes, additions, or deletions to the contract during construction.	<b>SRF Loan Program</b>	<b>Loan Recipient</b>	<b>SRF Loan Program</b>
<b>Advertisement for Bids and Publisher's Affidavit</b>	<b>DBE</b> solicitation information must be included in the actual advertisement for bids.  A Publisher's Affidavit (signed, original, notarized certification of publication) denoting the actual published date of the advertisement will be submitted to the SRF Loan Program as part of the Authority-to-Award/Bid Package documents.	An example advertisement with appropriate <b>DBE</b> language is supplied to the Loan Recipient by the <b>SRF Loan Program</b>	<b>Loan Recipient</b>	A copy of the actual advertisement and a Publisher's Affidavit will be submitted to the <b>SRF Loan Program</b> as part of the Authority-to-Award/Bid Package documents
<b>10 Certified Letters and Return Receipts</b> to potential certified DBE subcontractors, supplies vendors, service providers, and/or equipment vendors	These certified letters and copies of the corresponding return mail receipts are submitted with the completed <b>Loan Recipient's DBE Participation and Certification Summary Form.</b>	<b>Prime Contractor and/or Loan Recipient</b>	<b>Loan Recipient</b>	SRF Loan Program as part of the Authority-to-Award/Bid Package documents
<b>Good Faith Letter</b>	If <b>no DBE</b> participation is obtained for the contract, the "Good Faith" letter must be written.	Form letter provided by the <b>SRF Loan Program</b>	<b>Loan Recipient</b>	<b>SRF Loan Program</b>

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<b>Prime Contractor's Notice Letter</b> for EPA Form 6100-2	The <b>Prime Contractor</b> must submit the Notice Letter to verify that Form 6100-2 was supplied to all <b>DBE Subcontractors</b> participating in the contract.	<b>SRF Loan Program</b>	<b>Prime Contractor</b>	<b>Loan Recipient</b> for inclusion in the Authority-to-Award / Bid / Proposal package
EPA Form <b>6100-2</b>	<b>Loan Recipient</b> required to have <b>Prime Contractors</b> provide form to <b>DBE Subcontractors</b>  This form gives a <b>DBE Subcontractor</b> the opportunity to describe the work the <b>DBE Subcontractor</b> received from the <b>Prime Contractor</b> , how much the <b>DBE Subcontractor</b> was paid, and any other concerns the <b>DBE Subcontractor</b> might have.	<b>Loan Recipient</b>  <b>Prime Contractors</b>	<b>DBE Subcontractors</b>	<b>EPA DBE Coordinator</b> at the conclusion of <b>DBE Subcontractor</b> participation in the project  (Address on Form)
EPA Form <b>6100-3</b>	<b>Loan Recipient</b> required to have <b>Prime Contractors</b> provide form to <b>DBE Subcontractors</b>  This form captures an intended <b>Subcontractor's</b> description of work to be performed for the <b>Prime Contractor</b> and the price of the work submitted to the <b>Prime Contractor</b> .	<b>Loan Recipient</b>	<b>Prime Contractors</b>  <b>DBE Subcontractors</b>	<b>Loan Recipient</b> for inclusion in the Authority-to-Award / Bid / Proposal package
EPA Form <b>6100-4</b>	<b>Loan Recipient</b> required to have <b>Prime Contractors</b> complete the form  This form captures the <b>Prime Contractor's</b> intended use of an identified <b>DBE Subcontractor</b> and the estimated dollar amount of the subcontract.	<b>Loan Recipient</b>	<b>Prime Contractors</b>	<b>Loan Recipient</b> for inclusion in the Authority-to-Award / Bid / Proposal package